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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,535	06/12/2001	Hiroshi Kobayashi	450100-03283	3145
20999	7590	10/05/2004	EXAMINER	
FROMMER LAWRENCE & HAUG			VO, TUNG T	
745 FIFTH AVENUE- 10TH FL.			ART UNIT	
NEW YORK, NY 10151			PAPER NUMBER	
			2613	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/879,535

**Applicant(s)**

KOBAYASHI ET AL.

**Examiner**

Tung T. Vo

**Art Unit**

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 3, 5-13, and 15-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Minoru et al. (US 6,466,625 B1).

Re claims 1, 13, and 19-20, Minoru discloses a video data processing device comprising a degree of coding difficulty computing means (27 of fig. 5) for computing the degree of coding difficulty from the input video data comprising a motion compensation remaining difference

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computing means (32 of fig. 13) for computing the motion compensation remaining difference from the video data and computes the degree of coding difficulty on the basis of the motion compensation remaining difference computed by said motion compensation remaining difference computing means (27 of fig. 5).

a filtering means (23 of fig. 5) for adaptively filtering said input video data using a transfer function (col. 31, lines 42-48, e.g. the band-pass-filter is used in the filtering means based on the degree two differentiation in a one-dimensional direction) on the basis of the degree of coding difficulty computed from said input data;

a compression-coding means (5 of fig. 4, 24 of fig. 5, fig. 13) for compression-coding said input and filtered video data;

a decoding means (12 and 13 of fig. 4) for decoding said compression-coded video data;

a degree of coding difficulty computing means (14 of fig. 4) for computing the degree of coding difficulty from said decoded video data; and

an image quality correcting means (15 of fig. 4) for adaptively correcting the image quality of said decoded video data on the basis of the degree of coding difficulty computed from said decoded video data.

Re claim 15, Minoru further discloses wherein said degree of coding difficulty computing means comprises a motion vector difference computing means (25 of fig. 5) for computing the difference of motion vectors in adjacent block and computes the degree of coding difficulty on the basis of the motion vector difference computed by said motion vector difference computing means (see also 27, 28 of fig. 5).

Re claims 4 and 16, Minoru further discloses wherein said degree of coding difficulty computing means comprises a motion compensation remaining difference computing means (27 of fig. 5) for computing the motion compensation remaining difference and a motion vector difference computing means (25 of fig. 5) for computing the difference of motion vectors in adjacent block and computes the degree of coding difficulty on the basis of the motion compensation remaining difference computed by said motion compensation remaining difference computing means and the motion vector difference computed by said motion vector difference computing means (ST26-ST28 of fig. 11).

Re claims 5-10, Minoru further discloses wherein said motion compensation remaining difference computing means computes the motion compensation remaining difference on a block by block basis (fig. 6); wherein said motion compensation remaining difference computing means computes the motion compensation remaining difference on a scene by scene basis (fig. 16).

Re claims 11 and 17, Minoru further discloses wherein said filtering means (23 of fig. 5) adaptively performs a filtering operation on the basis of the coding compression ratio and the degree of coding difficulty as computed from said input video data.

Re claims 12 and 18, Minoru further discloses a recording/reproduction means (D of fig. 4) for recording/reproducing compression-coded video data by way of a recording medium; and said decoding means (12 and 13 of fig. 4) being adapted to decode the video data reproduced from said recording medium by said recording/reproduction means.

It is noted that claims 2, 4, and 14 are canceled.

***Response to Arguments***

3. Applicant's arguments filed 07/09/04 have been fully considered but they are not persuasive.

The applicant argued that Minoru fails to disclose "adaptively correcting using a transfer function" and "computing the degree of coding difficult on the basis of a motion compensation remaining difference" in pages 8 and 9 of the remarks.

The examiner respectfully disagrees with the applicant. It is submitted that Minoru does disclose adaptively correcting using a transfer function (col. 31, lines 42-48), and computing the degree of coding difficult on the basis of the motion compensation remaining difference (27 of fig. 5, e.g. the difficulty measure circuit computes the degree of coding difficulty on the basis of the motion remaining difference (32 of fig. 13), wherein the prediction motion is calculated by the motion compensation (32 of fig. 13) using the scene change detection detected by the motion vector MV detection (25 of fig. 5)). In view of the discussion above, Minoru anticipates the claimed features.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung T. Vo whose telephone number is (703) 308-5874. The examiner can normally be reached on 6:30 AM - 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris. Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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Art Unit 2613